

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 25, 1999 LB 51

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. LB 51.

CLERK: Mr. President, LB 51 by Senator Brashear. (Read title.) Bill was introduced on January 7. It was referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Chair recognizes Senator Brashear to open on LB 51.

SENATOR BRASHEAR: Mr. President, members of the body, Legislative Bill 51 is essentially simple, if you concur. We are making two changes with regard to current statutory language regulating bail bonds. In the first instance, when a 10 percent bond amount has been set by a court that is subsequently reduced, the clerk would not be able to collect any additional fees for a new bond amount. The court would be required to refund the difference in fees between the original bond and the new amount. Because there's no language specifying this at this time, various courts have handled the situation in conflicting and inconsistent and various ways, so that some defendants have been required to pay the bail bond fees twice. LB 51 provides a uniform procedure in that regard. In the second instance, when a cash bond is posted as opposed to a 10 percent bond, the cash will be returned to the defendant under LB 51 once all appearances have been made. There is currently language in the statute that sets out this procedure when a 10 percent bond is posted, but we do not have any similar language with regard to the ownership of a cash bond. This has also resulted in confusion and inconsistent application, and the second aspect of LB 51 would make our process and procedure uniform also throughout the state. I urge the advancement of LB 51. Thank you.

PRESIDENT MAURSTAD: Senator Brashear, you're recognized to open on the committee amendments. (AM0059 is found on page 579 of the Legislative Journal.)

SENATOR BRASHEAR: Mr. President, members of the body, the committee amendment goes one step further. We were able, the Judiciary Committee was able to avoid another separate legislative bill because Senator Wickersham came to me and